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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,134	02/27/2004	Guerry L. Grune	249403US26	4653

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EXAMINER

NGO, HOANG X

ART UNIT	PAPER NUMBER
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2852

DATE MAILED: 06/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/787,134	Applicant(s) GRUNE ET AL.	
	Examiner Hoang Ngo	Art Unit 2852	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/20/04, 2/8/05</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Objections

1. Claims 13, 14, 30, and 31 are objected to because of the following informalities:
Claim 13, line 2, 4, 5, the term "indica" should be changed to –indicia--
Claim 14, line 2, 4, 5, the term "indica" should be changed to –indicia--
Claim 30, line 2, 4, 5, the term "indica" should be changed to –indicia--
Claim 31, line 2, 4, 6, the term "indica" should be changed to –indicia--
Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-12, 15, 16, and 18-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Kunihiro et al.

Kunihiro et al disclose a toner hopper engagement device (Fig. 1) comprising a base member 9 for engaging with a toner hopper 1 of an image forming apparatus having a sliding-type of toner hopper lid 4; and a first orifice 8 provided on the base member to allow toner to pass through the base member into the hopper (Fig. 6).

Kunihiro et al further disclose the first orifice having a toner container engagement portion 7 to be releasably engaged with a toner container 6 (Fig. 7A-C); a second orifice 4 positioned to be on a same side of the first orifice towards when the

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toner hopper lid is pulled to be opened (Fig. 1); the toner container engagement portion comprising an annular wall having an inner and outer surface and the inner surface of the annular wall includes contours having threads or ridges to provide an interference fit with an outlet of a toner container (see Fig. 7A-C); a film (i.e. seal 45, Col. 19, line 45) provided on an outlet of a toner container having an adhesive portion 45b on a side facing an exterior of the toner container (Col. 19, line 49, Fig. 11); and the first orifice is configured to allow the adhesive portion to contact an outer surface of a lid of the hopper when the engagement device is engaged with the hopper (Col. 19, lines 45-57); the adhesive portion having a same length with a diameter of the opening (Fig. 11).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 13, 14, 17, and 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kunihiro et al in view of Floyd et al.

As discussed above, Kunihiro et al disclose every aspect of Applicant's claimed invention except for a first indicia provided on the toner cartridge adjacent to the opening of the toner container and a second indicia provided on the base member adjacent to the first orifice to indicated a desired position of the first indicia when the toner container is engaged with the orifice.

Floyd et al disclose first indicia (i.e. element 126, Fig. 1) provided on a toner container 100 adjacent to an opening 104 of a toner container and second indicia (i.e. element 230, Fig. 1) provided on the base member 210 adjacent to the first orifice to indicate a desired position of the first indicia when the toner container is engaged with the orifice (Col. 5, lines 33-50).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the position-indicating device of Floyd et al to the toner hopper engagement device of Kunihiro et al so that a proper position of the toner container can be visually recognized.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoang Ngo whose telephone number is (571) 272-2138. The examiner can normally be reached on 6:00am - 2:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur Grimley can be reached on (571) 272-2136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Hoang Ngo
Primary Examiner
Art Unit 2852

Hn
June 23, 2005